

REMARKS

This application has been carefully reviewed in light of the Office Action dated October 6, 2004. Claims 1, 3, 5 to 13, 15, 17 to 25, 27, 29 to 37, 39 and 41 to 48 remain in the application, of which Claims 1, 13, 25 and 27 are independent.

Reconsideration and further examination are respectfully requested.

Claims 1, 3, 5 to 13, 17 to 25, 27, 29 to 37, 39 and 41 to 48 were rejected under 35 U.S.C. § 112, first paragraph. Reconsideration and withdrawal of the rejections are respectfully requested in light of the following comments.

Applicant wishes to thank the Examiner for the courtesies and thoughtful treatment accorded Applicant's representative during the October 29, 2004 telephonic interview. Based on that interview, it is Applicant's understanding that the rejection is based on the premise that, while the specification does comply with the enablement requirement of § 112, first paragraph, for "identifying and classifying genotype data obtained from the amplification of nucleic acids in order to identify alleles," it is less clear whether the specification provides enough enablement for "identifying and classifying data (alleles) obtained from any analysis of nucleic acids." In other words, the Office Action appears to indicate that a clearer nexus in the claims between the process of obtaining data by the amplification of nucleic acids in order to identify alleles, and the claimed language of distinguishing alleles from background signals of PCR processing would more readily ensure sufficient enablement.

In view of the foregoing, the preambles of independent Claims 1, 13, 25 and 27 have been amended so as to form a closer nexus with the claimed feature of distinguishing alleles from background signals of PCR processing. Accordingly, it is

believed that the rejections are obviated and that the claims are fully in condition for allowance.

No other matters having been raised, the entire application is believed to be in condition for allowance and such action is respectfully requested at the Examiner's earliest convenience.

Applicant's undersigned attorney may be reached in our Costa Mesa, California office at (714) 540-8700. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,



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